

07/11/2012

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

Eric N. Foster  
1035 Cosby Mill Cove  
Cordova, TN 38018  
(Name of plaintiff or plaintiffs)

v. CIVIL ACTION NO. \_\_\_\_\_

Blues City Brewing Company  
aka City Brewing Company  
5151 E. Raines Road  
Memphis, TN 38118 ] et al  
(Name of defendant or defendants) [ Connie Michaels  
Bernadette Fuller  
T.J. East  
Norman Kent Couch

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, Eric N. Foster  
(name of plaintiff)

is a citizen of the United States and resides at 1035 Cosby Mill Cove  
(street address)

Cordova United States Tennessee  
(city) (country) (state)

38018 901-870-7920  
(zip code) (telephone number)

3. Defendant Blues City Brewing Company  
(defendant's name).  
 lives at, or its business is located at 5151 Raines Road  
(street address)  
Memphis, Tennessee 38118

4. Plaintiff sought employment from the defendant or was employed by the defendant at  
5151 Raines Road  
(street address)  
Memphis United States Tennessee 38118  
(city) (country) (state) (zip code)

5. Defendant discriminated against plaintiff in the manner indicated in paragraph 9 of this complaint on or about 17 February 2012  
(day) (month) (year)

6. Defendant filed charges against the defendant with the Tennessee Fair Employment Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about \_\_\_\_\_  
(day) (month) (year)

7. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 02 March 2012  
(day) (month) (year)

8. The Equal Employment Opportunity Commission issued a Notice of Right to Sue, which was received by plaintiff on 26 April 2012. (Attach a copy of the notice to this complaint.)  
(day) (month) (year)

9. Because of plaintiff's (1) ☒ race, (2) ☒ color, (3) ☐ sex, (4) ☐ religion,  
 (5) ☐ national origin, defendant

(a) ☐ failed to employ plaintiff.

(b) ☒ terminated plaintiff's employment.

(c) ☐ failed to promote plaintiff.

(d) conspired, defamed, plotted, wrongfully  
terminated and discriminated

10. The circumstances under which defendant discriminated against plaintiff were as follows:

Please see attached page for answer to this # 10 question.

Please See Attached

11. The acts set forth in paragraph 9 of this complaint

- (a) \_\_\_ are still being committed by defendant.
- (b) ☒ are no longer being committed by defendant.
- (c) \_\_\_ may still be being committed by defendant.

12. Please attach to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission, which are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE. Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) \_\_\_ Defendant be directed to employ plaintiff, or
- (b) ☒ Defendant be directed to re-employ plaintiff, or
- (c) \_\_\_ Defendant be directed to promote plaintiff, or;
- (d) \_\_\_ Defendant be directed to pay punitive, monetary and/or compensatory damages to the maximum allowable by law for each offense, and pay court cost and any and all attorney fees.

and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

13. I would like to have my case tried by a jury. Yes ☒ No ( )

Eric R. Foster  
SIGNATURE OF PLAINTIFF  
efoster70@yahoo.com

attachments:  
additional 15 pages

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**10. ATTACHED CIRCUMSTANCES OF DISCRIMINATION EXPLAINED**

I was hired by Blues City Brewing Co. Memphis, August 2011; I was laid off after one month and recalled in January 2012. During this time I was never told or counseled in any way that my performance or attitude was leading to termination by Human Resources or my department managers and supervisor. Days before and up to February 16, 2012, I was totally surprised that my job was in jeopardy. On the evening of February 16, 2012 I was told by Kent Couch, my supervisor that H. R. Mgr Bernadette Fuller wanted to see me at the end of the shift. I was LATER told that Ms Fuller had cancelled MY Feb. 16 evening meeting and changed it to Feb. 17, 2012 due to her going to the eye doctor, and her still being in pain from it. I asked Kent what was the nature of the meeting. He did not tell me. The next morning I was sent to HR and wrongfully terminated on hearsay accusations. The cause of my wrongful termination supposedly was according to the reason Mrs. Fuller highly berated me on in write up of the cell phone legally taped recorded document I am ATTACHING that I recorded while in the 45 minute long termination meeting. The Wrongful termination was the result of a morning visit to Kent Couch's office on February 16, 2012 by Darlene Roberts, Kent's email attached and a copy of this meeting was sent to Management of what Darlene Roberts told Kent of what her white male friend, Tommy King had told her about. Darlene told Kent of a supposed conversation T. King said he and I had engaged in, in the past. Note: Darlene, a white 54 year old Female is in the same work group as Tommy King, a white 56 year old male and I, Eric, a Black 42 year old male am also in. Darlene and Tommy King both met that morning of Feb. 16, 2012 with Kent. After the meeting with them, Kent that morning at 9:15 AM sent an email to HR B. Fuller and TJ East, packaging manager and they all decided to terminate me that same evening per Darlene's visit on Feb. 16, AM, on hearsay. Darlene retaliated for my asking her with Kent to stop her verbal abuse of me, a violation of a plant rule #25. Kent took side with her in my request to be treated as a man with respect as she also wanted. The result of my asking Darlene Roberts with the Supervisor Couch, her close friend, because she was very harsh, this resulted in Darlene and Kent conspiring with management and Human Resources to terminate me. This set my termination in motion and I lost my JOB. I was not given due process as to the accusations and labor employment laws and procedures. Never was I called in until firing or asked about anything, I was DISCRIMINATED against WRONGFULLY TERMINATED

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**10. Cont ATTACHED CIRCUMSTANCE OF DISCRIMINATION EXPLAINED**

**WITHOUT DUE PROCESS AND RETALIATED AGAINST. *THE COMPANY VIOLATED THEIR OWN PROGRSSIVE DISIPLINARY ACTION CLAUSE.* DARLENE should have had nothing to do in any way in any business concerning me and of causing my livelihood and employment to be affected. Management allowed it and this is why I filed the conspiracy for wrongful termination at the EEOC.**

**I went thru every effort to get City Brewing Co. to intervene and to get my job back. I wrote to City B. numerous letters begging to be done right or just heard. City B. would not answer, I went to the EEOC, filed charges. EEOC DID NOT INVESTIGATE BUT gave me the right to sue. I then asked for my ENTIRE EEOC FILE and EEOC gave entire file to me. The response from Bernadette F. from Kent shows how/why I was terminated. The Kent Couch DARLENE ROBERTS VISIT, and Email of February 16, 2012 set my Termination in motion.**

**ATTACHMENTS: EEOC COPY OF MY FILE SUBMITTED AS PROOF!**

**I ask that the Court will see that I was wrongfully terminated in this, A Tennessee AT WILL state, but recognize that this was not a LEGAL AT WILL termination cause as cited in labor laws. I pray and am asking that I am granted due process and award me my job back without intimidations, fair employment and any loss of pay and overtime worked by my peers and the medical insurances that I was entitled to. My charges of Wrongful Termination, Discrimination, Retaliation, Violation of Title VII of the civil right act 1964 (Title VII), and Violation of Government Fair Labor Standards, I ask that the courts will grant me fair relief for/of punitive damages, workplace bullying, and all other damages found.**

**Eric N. Foster**